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FED. I.D. NO. 99-0175383

April 1, 2008

VIA HAND DELIVERY

The Honorable Susan Oki Mollway
Judge, United States Courthouse
Prince Kuhio Federal Building
300 Ala Moana Boulevard
Honolulu, Hawai'i 96850

Re: Hawaii Children's Blood and Cancer Group v. Hawai'i Pacific Health, et al.,
Civil No. CV03-00708 SOM/LEK

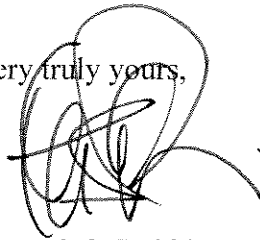
Dear Judge Mollway:

As a courtesy to you and your staff, I wish to advise you that Judge Bert Ayabe has granted Defendants' dispositive motion on all remaining claims in the companion state court lawsuit. In this connection, I enclose a copy of Judge Ayabe's Minute Order. We have prepared an order for Mr. del Castillo's review which we trust will be filed shortly. Thereafter, judgment will be entered.

Upon the entry of judgment in the state court case, we will file a motion in this case to modify your Rule 16 order and, thereafter, we will file our dispositive motion herein.

If you wish for us to proceed otherwise, we look forward to your contact or that of a member of your staff.

Very truly yours,



Kenneth S. Robbins

KSR\08-0122

Enclosure

cc w/encl. (via fax):

Arleen D. Jouxson-Meyers, M.D., M.P.H., Esq.

Rafael G. del Castillo, Esq.

CIVIL MOTIONS CALENDAR
FIRST CIRCUIT
TWENTY FIRST DIVISION

DATE: TUESDAY, MARCH 18, 2008
JUDGE: HONORABLE BERT I. AYABE, JUDGE PRESIDING
CLERK:
REPORTER:
BAILIFF/LAW CLERK: KALI KO WARRINGTON

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2:00 P.M.

1CC 02-1-000090 KELLEY WOODRUFF MD
VS.
HAWAI'I PACIFIC HEALTH ETAL

ARLEEN DOROTHY JOUXSON
RAFAEL GOODWIN DEL CASTIL
FOR KELLEY WOODRUFF

KENNETH S ROBBINS
JOHN-ANDER L MEYER
WENDY MASAKO YAMAMOTO
CHARLES ROBERT CHING
PATRICK HUDSON JONES
FOR KAPIOLANI MEDICAL SP

SERGIO RUFO
FOR HAWAII PACIFIC HEALT

JOHN T KOMEIJI
KAREN YUKIE ARIKAWA
GREGG MINORU USHIRODA
FOR DELOITTE & TOUCHE LL

JOHN S NISHIMOTO
MICHAEL JOHN VAN DYKE
FOR DENNIS M WARREN

DEFTS HAWAII PACIFIC HEALTH, KAPIOLANI MEDICAL
SPECIALISTS, KAPIOLANI MEDICAL CTR FOR WOMEN &
CHILDREN, ROGER DRUE, FRANCES A. HALLONQUIST, NEAL

WINN, M.D. & CHERREL HAMMAR, M.D.'S MTN/SUMMARY
JDGMT AS TO ALL REMAINING CLAIMS (MVT: K. ROBBINS)
(FM: 3/14/2008)

*****COURT REPORTER MARI-JO DAVIDSON*****

2:02:14-2:58 P.M. CT CLK: A. HONDA

APPEARANCES: RAPHAEL DEL CASTILLO & ARLENE

JOUXSON-MEYERS F/ PLAINTIFFS

KENNETH ROBBINS, JOHN ANDERSON-MEYERS
& DOUGLAS ROSS F/ DEFENDANTS

COURT HEARD THE ARGUMENT OF COUNSEL. COURT TOOK

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THE MATTER UNDER ADVISEMENT.

*****<MINUTE ORDER: 03/20/2008>*****

THE COURT HAVING REVIEWED THE SUBJECT MOTION AND BEING DULY ADVISED OF THE RECORD AND FILE HEREIN AND FOR GOOD CAUSE APPEARING THEREFORE, THE COURT HEREBY GRANTS DEFENDANTS MOTION FOR SUMMARY JUDGMENT AS TO ALL REMAINING CLAIMS, FILED FEBRUARY 15, 2008.

AS TO COUNT I (INJUNCTIVE RELIEF), THE COURT FINDS THAT THERE ARE NO GENUINE ISSUES OF MATERIAL FACT IN DISPUTE THAT PLAINTIFFS WILL SUFFER IRREPARABLE HARM IF THE INJUNCTIVE RELIEF IS NOT GRANTED. THE COURT DECLINES TO IMPOSE INJUNCTIVE RELIEF TO RESTORE "TEAM CARE" AS REQUESTED BY PLAINTIFFS SINCE NO EVIDENCE HAS BEEN PRESENTED TO WARRANT SUCH ACTION BY THE COURT. THUS, THE COURT GRANTS SUMMARY JUDGMENT AS TO COUNT I.

AS TO COUNTS II AND III (VIOLATION OF HRS 480-4(A), 480-4(B) AND 480-6), THE COURT FINDS THAT THERE ARE NO GENUINE ISSUES OF MATERIAL FACT IN DISPUTE THAT DEFENDANTS ENGAGED IN ACTIONS TO RESTRAIN TRADE AND COMMERCE, CONTROL PRICES OR REFUSE TO DEAL IN VIOLATION OF HRS 480-4 OF 480-6. THERE WAS NO EVIDENCE PRESENTED BY PLAINTIFFS THAT DEFENDANTS CONDUCT WAS ANTICOMPETITIVE OR OTHERWISE EXCLUDED COMPETITORS BY IMPROPER MEANS. IN ADDITION, WITH RESPECT TO HRS 480-4, NO EVIDENCE WAS PRESENTED THAT DEFENDANTS WERE PART OF A CONTRACT OR CONSPIRACY TO RESTRAIN TRADE OR COMMERCE. THUS, THE COURT GRANTS SUMMARY JUDGMENT AS TO COUNTS II OR III.

AS TO COUNT IV (VIOLATION OF HRS 480-2), THE COURT FINDS THAT THERE ARE NO GENUINE ISSUES OF MATERIAL FACT IN DISPUTE THAT DEFENDANTS ENGAGED IN UNFAIR METHODS OF COMPETITION IN VIOLATION OF HRS 480-2. THE COURT FINDS THAT PLAINTIFFS HAVE FAILED TO PRESENT ANY CREDIBLE EVIDENCE THAT DEFENDANTS CONDUCT AND ACTIONS WERE UNLAWFUL AND UNFAIR METHODS OF COMPETITION. THUS, THE COURT GRANTS SUMMARY JUDGMENT AS TO COUNT IV.

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FOR DENNIS M WARREN

****CONTINUED MINUTES OF 3/18/2008****

AS TO COUNTS V AND VI (VIOLATION OF HRS 480-9), THE COURT FINDS THAT THERE ARE NO GENUINE ISSUES OF MATERIAL FACT IN DISPUTE THAT DEFENDANTS ENGAGED IN ANTICOMPETITIVE CONDUCT IN VIOLATION IN HRS 480-9. THERE WAS NO EVIDENCE PRESENTED BY PLAINTIFFS THAT DEFENDANTS CONDUCT OF REFERRING PATIENTS TO KMS PEDIATRIC HEMATOLOGY-ONCOLOGISTS RATHER THAN HCBCG PEDIATRIC HEMATOLOGY-ONCOLOGISTS AND EXCLUDING PLAINTIFFS FROM "TEAM CARE" IS ANTICOMPETITIVE OR OTHERWISE UNLAWFUL. THUS, THE COURT GRANTS SUMMARY JUDGMENT AS TO COUNTS V AND VI.

AS TO COUNT VII (VIOLATION OF HRS 481A), THE

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COURT FINDS THAT THERE ARE NO GENUINE ISSUES OF MATERIAL FACT IN DISPUTE THAT DEFENDANTS ENGAGED IN DECEPTIVE TRADE PRACTICES IN VIOLATION OF HRS 481A. THE COURT FINDS THAT PLAINTIFFS FAILED TO PRESENT ANY EVIDENCE TO SUPPORT THEIR POSITION THAT THE NAME "KAPIOLANI CHILDREN'S BLOOD AND CANCER GROUP" CAUSES A LIKELIHOOD OF CONFUSION OR MISUNDERSTANDING WITH THE NAME "HAWAII CHILDREN'S BLOOD AND CANCER GROUP OR IS OTHERWISE DECEPTIVE. THUS, THE COURT GRANTS SUMMARY JUDGMENT AS TO COUNT VII.

COUNSEL FOR DEFENDANTS TO PREPARE THE ORDER.

A COPY OF THE MINUTE ORDER SHALL BE PLACED IN THE COURT JACKETS OF KENNETH ROBBINS AND RAFAEL DEL CASTILLO.